

Rachel Rodriguez

From: Rachel Rodriguez
Sent: Wednesday, May 3, 2023 12:31 PM
To: Davis, Richard S.
Cc: Mark Elliott; Bassoff, Ben; rgriffith@foley.com
Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Richard:

I trust that you now have had sufficient time to review our October and November letters, and to check with your colleague regarding his schedule. Therefore, please let us know your availability for a meet and confer.

If we do not hear from you by May 10, we will assume your silence indicates that Takeda should move forward with motion practice, and will proceed accordingly.

Kind regards,
Rachel

| **E K L & J** | ELLIOTT KWOK LEVINE & JAROSLAW LLP

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From: Rachel Rodriguez
Sent: Wednesday, February 15, 2023 10:54 AM
To: Davis, Richard S. <RDavis@foley.com>
Cc: Mark Elliott <melliott@ekjljlaw.com>; Bassoff, Ben <BBassoff@foley.com>
Subject: Re: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Good morning,

Please let us know if you intend to participate in the meet and confer process. We have been trying to schedule another meeting since October, and have been more than patient with all the delays. It is now February, and the fact discovery cutoff is less than three months away.

We would prefer not to engage in motion practice, but will take whatever steps are necessary to enforce our client's rights with respect to this subpoena.

Kind regards,
Rachel

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On Feb 3, 2023, at 3:44 PM, Rachel Rodriguez <rrodriguez@ekjlaw.com> wrote:

Just following up to see if you've checked with your colleague on his schedule.

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From: Davis, Richard S. <RDavis@foley.com>

Sent: Friday, January 27, 2023 5:54 PM

To: Rachel Rodriguez <rrodriguez@ekjlaw.com>

Cc: Mark Elliott <melliott@ekjlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

CAUTION: WARNING -- EXTERNAL EMAIL

Rob Griffith, one of my partners, will join me on our next call to discuss the matters addressed in your most recent letter correspondence.

I am checking Rob's schedule. I then will follow up with you concerning proposed dates and times for a conference with Rob and me.

Thank you.

Richard S. Davis

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<image001.jpg>

From: Rachel Rodriguez <rrodriguez@ekjlaw.com>

Sent: Friday, January 20, 2023 2:29 PM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Mark Elliott <melliott@ekjlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Understood re: the time-sensitive matters. Keeping in mind that May 5, 2023 is but a few months away, are there any updates to report? As I mentioned in our initial discussion, Caremark was the first third-party PBM we engaged in meet-and-confer discussions, but Caremark is now significantly behind the other PBMs, who have all agreed in principle to produce, among other things, reasonably accessible claims data.

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From: Davis, Richard S. <RDavis@foley.com>

Sent: Monday, January 9, 2023 2:09 PM

To: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

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Apologies for not getting back to you last week. I have been tied up on a number of time sensitive matters.

I see from the PACER docket that last Thursday, the fact discovery cut-off was extended to May 5, 2023. So, after I review your November 4, 2022 correspondence with several other individuals, I will follow up with you.

Thank you.

Richard S. Davis

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<image002.jpg>

From: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Sent: Tuesday, January 3, 2023 9:54 AM

To: Davis, Richard S. <RDavis@foley.com>; Bassoff, Ben <BBassoff@foley.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Good morning, and Happy New Year. While we understand the holiday season can be hectic, we have not had a meet and confer since September and the fact discovery cutoff is next month. Please let us know if we can expect a response, so we can proceed accordingly.

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From: Rachel Rodriguez

Sent: Friday, November 18, 2022 2:55 PM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Just following up on the below. Is there anything that would be helpful to discuss before the holiday long weekend?

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From: Rachel Rodriguez

Sent: Friday, November 4, 2022 10:19 AM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Richard:

While reviewing our letter of October 10, we discovered an error/typo in the first section. Please use the attached corrected version for any discussions with others and for our next meet and confer.

Best,

Rachel

| **E K L & J** | ELLIOTT KWOK LEVINE & JAROSLAW LLP

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From: Davis, Richard S. <RDavis@foley.com>

Sent: Friday, October 28, 2022 9:57 AM

To: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>; Bassoff, Ben <BBassoff@foley.com>

Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

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Apologies for my delay in responding. I have been in the midst of preparing for out-of-state depositions next week. I also need to confer with others prior to our meet and confer.

I will be back in my office on November 7, 2022. I will follow up with you following my return.

Have a good weekend.

Richard S. Davis

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<image003.jpg>

From: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Sent: Friday, October 21, 2022 2:39 PM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Bassoff, Ben <BBassoff@foley.com>; Mark Elliott <melliott@ekjljlaw.com>

Subject: Re: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Hello,

Just following up on the below. Please let us know your availability for a meet and confer next week.

Have a great weekend!

Rachel

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On Oct 10, 2022, at 10:47 AM, Rachel Rodriguez <rrodriguez@ekjljlaw.com> wrote:

Richard:

Attached please find correspondence following up on our initial meet-and-confer of September 28.

Best,

Rachel

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From: Davis, Richard S. <RDavis@foley.com>

Sent: Friday, September 16, 2022 1:17 PM

To: Rachel Rodriguez <rrodriguez@ekjlaw.com>

Cc: Mark Elliott <melliott@ekjlaw.com>

Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

CAUTION: WARNING -- EXTERNAL EMAIL

Thank you.

Richard S. Davis

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From: Rachel Rodriguez <rrodriguez@ekjlaw.com>

Sent: Friday, September 16, 2022 12:08 PM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Mark Elliott <melliott@ekjlaw.com>

Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Sorry to hear! Let's do Wednesday, September 28 at 3:30. I'll update the calendar invite.

| **E K L & J** | ELLIOTT KWOK LEVINE & JAROSLAW LLP

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From: Davis, Richard S. <RDavis@foley.com>

Sent: Friday, September 16, 2022 11:56 AM

To: Rachel Rodriguez <rrodriguez@ekjlaw.com>

Cc: Mark Elliott <melliott@ekjlaw.com>

Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

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Unfortunately, the case referenced in my prior e-mails did not settle at Wednesday's mediation. I now will be travelling out of town for depositions throughout all of next week. As such, I need to reschedule our September 20, 2022 call for the following week. I presently am available then as follows:

Tuesday, September 27 – 9:30-12; 2-5

Wednesday, September 28 – 11:30-12:30; 3-5

Thursday, September 29 – 9:30-12; 2-5

Please let me know how and when you wish to proceed.

Apologies for any inconvenience.

Richard S. Davis

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From: Davis, Richard S.

Sent: Thursday, September 8, 2022 5:32 PM

To: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>

Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Zoom is fine. Thanks.

Richard S. Davis

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From: Rachel Rodriguez <rrodriguez@ekjljlaw.com>

Sent: Thursday, September 8, 2022 5:31 PM

To: Davis, Richard S. <RDavis@foley.com>

Cc: Mark Elliott <melliott@ekjljlaw.com>

Subject: Re: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC

Understood, thanks for the heads-up. I can send the invite. We generally use Zoom, unless you have a strong preference for Teams.

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On Sep 8, 2022, at 12:09 PM, Davis, Richard S. <RDavis@foley.com> wrote:

CAUTION: WARNING -- EXTERNAL EMAIL

Let's plan on **2 p.m. on Tuesday, September 20** – provided, however, that if my case does not settle at the September 14 mediation, I may be out-of-town in depositions in that case throughout the week of September 19. I will let you know if that circumstance arises. As such, please let me know whether you wish to send a Teams invitation for September 20, or whether I should do so.

Thank you.

Richard S. Davis

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From: Rachel Rodriguez <rrodriguez@ekljlaw.com>
Sent: Thursday, September 8, 2022 5:52 AM
To: Davis, Richard S. <RDavis@foley.com>
Cc: Mark Elliott <melliott@ekljlaw.com>
Subject: Re: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC
Good luck with your mediation, let's schedule the call for after your return. The week of Sept. 19, we are available Monday-Wednesday, 11:00 am - 1:00 pm and 2:30 pm - 5:30 pm NY time. Do any of those time slots work for you?

| **E K L & J** | ELLIOTT KWOK LEVINE & JAROSLAW LLP

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On Sep 7, 2022, at 6:37 PM, Davis, Richard S.
<RDavis@foley.com> wrote:

CAUTION: WARNING -- EXTERNAL EMAIL

I am in receipt of your attached correspondence. Consistent with my discussions with Takeda's prior counsel, I have forwarded the correspondence to Caremark.

The scope of Takeda's remaining requests remains very broad. As a next step, I believe that it would be helpful for you and I to discuss more specifically the bases for those requests, so that I may discuss such matters with Caremark.

Unfortunately, I am preparing for a September 14, 2022 mediation out-of-town in a longstanding case, and I have limited availability over the next week or so. That said, I am available this Friday from 3-5. Please let me know if you are available during that window. If so, I will send you a Teams invitation. Otherwise, we will schedule a conference for after my return.

Thank you.

Richard S. Davis

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From: Rachel Rodriguez <rrodriguez@ekjljlaw.com>
Sent: Thursday, August 25, 2022 4:12 PM
To: Davis, Richard S. <RDavis@foley.com>
Cc: Mark Elliott <melliott@ekjljlaw.com>
Subject: RE: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC
Mr. Davis:
Further to the below, attached please find the referenced letter. We're happy to have a call to discuss if needed.
Best regards,
Rachel

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From: Rachel Rodriguez
Sent: Thursday, August 18, 2022 1:59 PM
To: Richard S. Davis (rdavis@foley.com)
<rdavis@foley.com>
Cc: Mark Elliott <melliott@ekjljlaw.com>
Subject: In re Actos Antitrust Litigation (Coordinated Actions), No. 1:13-cv-09244-RA-SDA – Subpoena to Caremark Rx, LLC
Mr. Davis:
We write to introduce ourselves as counsel for Takeda Pharmaceutical Company Limited, Takeda Americas Holdings, Inc., Takeda Pharmaceuticals U.S.A., Inc., and Takeda Development Center Americas, Inc. (collectively, "Takeda") in connection with the subpoena to Caremark Rx, LLC ("Caremark") in the above-captioned matter. Our predecessor, Conrad O'Brien PC, has indicated that you would be willing to share with Caremark a letter "specifying a limited amount of documents" that Takeda seeks from Caremark, along with "the specific bases therefor." We are in the process of preparing such a letter, which you can expect to receive later this week or next.
We look forward to working with you.
Best regards,
Rachel

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